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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
09/874,010	06/06/2001	Shigeharu Nakagawa	P56332	7488												
7590 Robert E. Bushnell Suite 300 1522 K Street, N. W. Washington, DC 20005		06/06/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">GART, MATTHEW S</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3625</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>06/06/2007</td><td>PAPER</td></tr></table>		EXAMINER		GART, MATTHEW S		ART UNIT	PAPER NUMBER	3625		MAIL DATE	DELIVERY MODE	06/06/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/874,010	Applicant(s) NAKAGAWA, SHIGEHARU	
	Examiner Matthew S. Gart	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 38-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

Claims 55, 64 and 72 are objected to because of the following informalities:

- Claim 55 lines 3-4 recite, "...accessing a home page of a printing printing agency via..." Claim 55 lines 3-4 should be amended to recite, "...accessing a home page of a printing agency via..."
- In claim 64, line 18, there should be an -a- before -computer network-.
- In claim 64, line 14, there should be an -a- before -reception-.
- In claim 72, line 14, there should be a space between -to- and -conform-.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 45-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 45 in line 22 is confusing (e.g., ...connected to said memory via a network printing to download said finalized...). Claim 45 should be amended to more clearly set forth the claimed invention.

Claims 55-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 55 in line 3 is confusing (e.g., ...connected, via the Internet, each customer accessing a home page...). Claim 45 should be amended to more clearly set forth the claimed invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 38-81 are rejected under 35 U.S.C. 103(a) as being obvious over  
Sevcik (U.S. Patent No. 6,330,542) in view of Herbert (U.S. Patent No. 6,707,931).**

Referring to claim 38. Sevcik discloses an apparatus for printing, the apparatus comprising:

a server with a corresponding home page accessible through the Internet (Sevcik: Fig. 1A, "38"), said server receiving a cost request through the Internet from a user, the cost request including a request for an estimate of a cost of a print job and including identification data corresponding to the user, the cost request including first data about the print job (Sevcik: column 5, lines 2-10);

a first memory unit storing the cost request and the identification data received from said server, said first memory unit being in communication with said server (Sevcik: column 14, lines 23-29);

said server sending a cost estimate through the Internet to a destination corresponding to the identification data, the cost estimate being generated in dependence upon the received cost request, the cost estimate including a password and the estimate of the cost of the print job, said server receiving the password and print data through the Internet from the user when the user receives and approves the

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cost estimate, the print data being the information to be recorded on recordable media (Sevcik: column 15, lines 13-25);

an output device receiving the print data, and recording the print data in the final form on the recordable media (Sevcik: Fig. 16).

Herbert discloses an apparatus for printing, the apparatus comprising:

an editing unit being in communication with said server, said editing unit editing the print data received by said server through the Internet from the user when the print data is not in a final form, said editing unit being distinguishable from the user (Herbert: Fig. 7, "110");

a second memory unit storing the print data when the print data is in the final form, said second memory unit being in communication with said editing unit (Herbert: Fig. 7, "116");

an output device receiving the print data in the final form from said second memory unit, and recording the print data in the final form on the recordable media (Herbert: Fig. 7, "118").

At the time of invention it would have been obvious for one skill in the art to have modified the method of Sevcik to have included the teachings of Herbert in order to allow a remote viewer to view or modify a digital product (Herbert: column 1, lines 10-16).

Referring to claim 39. Herbert does not expressly disclose correcting spelling errors. However, it would have been obvious to have Herbert's apparatus to correct spelling errors since Herbert is drawn to providing a remote proofing service and correcting spelling errors would have been an obvious variation.

Referring to claim 40. Sevcik further discloses an apparatus wherein said output device corresponding to a selected output device selected by the user through said home page via the Internet from among a plurality of available output devices, said output device receiving the print data through the Internet from said second memory unit (Sevcik: column 10, lines 18-27).

Referring to claim 41. Herbert further discloses an apparatus wherein said server sending the edited print data through the Internet to the user after said editing unit performs the editing of the print data, the user receiving the edited data through the Internet and revising the edited print data and sending the revised print data to said server, said editing unit further revising the revising print data received by said server from the user to place the revised print data in the final form (Herbert: Fig. 7).

Referring to claim 42. Sevcik further discloses an apparatus wherein an editing unit generates the cost estimate (Sevcik: column 2, lines 50-55, "...the print buyer can easily change to determine the impact of those changes on the cost of the project.").

Referring to claim 43. Herbert further discloses an apparatus, send server sending the edited print data through the Internet to the user after said editing unit performs the editing of the print data, the user receiving the edited data through the Internet and revising the edited print data and sending the revised print data to said server, said editing unit further revising the revised print data received by said server from the user to place the revised print data in the final form (Herbert: Fig. 7).

Referring to claim 44. Sevcik further discloses an apparatus, the cost request including a name of the user, the destination, a number of pages of the print job, a number of copies of the print job, a type of binding of the print job, and a type of recordable media of the print job (Sevcik: Fig. 6 and Fig. 7)

Referring to claims 45-54. The limitations of claims 45-54 closely parallel those of claims 38-44. Claims 45-54 are rejected under the same rationale as set forth above.

Referring to claims 55-63. The limitations of claims 55-63 closely parallel those of claims 38-44. Claims 55-63 are rejected under the same rationale as set forth above.

Referring to claims 64-68. The limitations of claims 64-68 closely parallel those of claims 38-44. Claims 64-68 are rejected under the same rationale as set forth above.



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Referring to claim 69. Sevcik further discloses a method wherein an editor that does said editing also determines the cost estimate at the print agency for the customer, said editor being a separate entity than said customer (Sevcik: column 2, lines 50-55, "...the print buyer can easily change to determine the impact of those changes on the cost of the project.").

Referring to claim 70. Herbert further discloses a method wherein an editor that does said editing being specialized in digital imaging, computer software, the internet and preparing a document having text images for print (Herbert: abstract).

Referring to claim 71. Herbert further discloses an apparatus, said editor having access to apparatus for monitoring and modifying text and images submitted by said customer to said editor over the world wide web (Herbert: Fig. 7).

Referring to claims 72-74. The limitations of claims 72-74 closely parallel those of claims 38-44. Claims 72-74 are rejected under the same rationale as set forth above.

Referring to claims 75-81. The limitations of claims 75-81 closely parallel those of claims 38-44. Claims 75-81 are rejected under the same rationale as set forth above.

***Response to Arguments***

Applicant's arguments, filed 3/16/2006, with respect to the pending claims are moot in view of the new grounds of rejection.

The non-final office action mailed on 10/20/2005 comprised multiple repetitive rejections applied to the pending claims. For the purpose of expediting examination of this application, all of the pending rejections were triaged which lead to the single applied obviousness rejection as set forth above.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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